

**IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**COAST TO COAST TITLE, LLC,
SOL CITY TITLE, LLC, MAGNOLIA
TITLE ARKANSAS, LLC, MAGNOLIA
TITLE FLORIDA, LLC, THE PEABODY
BULLDOG LLC, AND JOHN MAGNESS**
Plaintiffs

V.

TYRRELL L. GARTH, PHILLIP H. CLAYTON, DEBBIE MERRITT A/K/A DEBORAH MERRITT, MATTHEW D. HILL, P. GARRETT CLAYTON, SCOTT M. REEVES, CHARLES BURNS, ARIANE E. YOUNG, STARREX TITLE FLORIDA, LLC, LAURIE COOPER, MARKETSTREET CAPITAL PARTNERS AR, LLC, MARKETSTREET CAPITAL PARTNERS, LLC, AND BRIAN A. BREWER

Defendants.

CIVIL ACTION NO.:4:24-cv-02767

PLAINTIFFS' SECOND UNOPPOSED MOTION TO EXTEND DEADLINES
AND MODIFY HEARING DATE

Plaintiffs Coast to Coast Title, LLC, Sol City Title, LLC, Magnolia Title Arkansas, Ltd., and Magnolia Title Florida, LLC, The Peabody Bulldog, LLC, and John Magness (collectively “Plaintiffs”) file this Second Unopposed Motion to Extend Deadline to File Second Amended Complaint and Modify Hearing Date, and states:

On February 3, 2025, the Court held an Initial Conference/Motion Hearing and entered a Minute Entry stating in part:

The plaintiffs will amend their complaint by 2/17/2025. The plaintiffs will also file a summary organizational chart of the claims asserted, showing which claims apply to which parties, by 2/17/2025. Defendants Garth and Clayton will file a motion to dismiss by 3/14/2025. A hearing on the motion to dismiss is scheduled for 3/21/2025 at 02:00 PM in by video before Judge Lee H Rosenthal.

[Dkt. 57].

Plaintiffs filed an Agreed/Unopposed Motion to Extend Deadline to File Second Amended Complaint and Modify Hearing Date. [Dkt. 62]. The accompanying Order was granted and deadlines were extended and rescheduled. [Dkt. 63]. Thereafter, Defendant Laurie Cooper's Unopposed Motion for Leave to File Responsive Pleadings was granted, setting a responsive deadline of March 21, 2025, which is 21 days after the new proposed complaint filing deadline sought in this instant Motion. [Dkt. 64].

Among the reasons for the first extension were to allow a settlement agreement amongst the Plaintiffs and the Starrex Directors and Officers Defendants to be finalized and executed prior to the deadline for filing, which would permit Plaintiffs to drop these particular parties as defendants in the amended complaint. *See* Notice of Settlement as to Defendants Matthew D. Hill, Debbie Merritt, P. Garrett Clayton, Scott M. Reeves, and Charles Burns. [Dkt. 50]. Unfortunately, this milestone has not yet been reached. It is anticipated that it will be reached between now and the new, proposed complaint filing deadline.

This instant Motion seeks further extensions as follows:

- Plaintiffs' current deadline to file their Second Amended Complaint and a summary organizational chart of the claims asserted is February 21, 2025. Plaintiffs respectfully seek to extend this deadline from February 21, 2025 by one week to February 28, 2025.

- Defendants Tyrrell L. Garth and Phillip H. Clayton's deadline to file a responsive Motion to Dismiss to the Second Amended Complaint is currently March 14, 2025. As an accommodation given their non-opposition to this instant Motion, Plaintiffs seek to move this deadline to 21 days after the new complaint filing deadline; that is, March 21, 2025.
- The hearing on the anticipated Motion to Dismiss has been rescheduled for April 10, 2025. Given the new deadlines sought, Plaintiffs respectfully seek to modify and reschedule this hearing date to any of the following dates that are convenient for the Court (and currently available, as confirmed with the Acting Case Manager):
 - a. April 21, 2025;
 - b. April 22, 2025;
 - c. April 23, 2025;
 - d. April 24, 2025; or
 - e. April 25, 2025.

Defendants Laurie Cooper, Brian Brewer, Starrex Title Florida, LLC, MarketStreet Capital Partners, LLC, and MarketStreet Capital Partners AR, LLC are not opposed to the proposals herein. Defendants Tyrrell L. Garth and Phillip H. Clayton are not opposed to the proposals herein.

The request is not being made for purposes of delay, but so that justice may be done. Counsel for Plaintiffs approves of this request.

Dated: February 19, 2025

Respectfully submitted,

HENDERSHOT COWART P.C.

By: /s/ Philip D. Racusin

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TITLE, LLC, SOL CITY TITLE, LLC, MAGNOLIA
TITLE ARKANSAS, LLC, MAGNOLIA TITLE
FLORIDA, LLC, THE PEABODY BULLDOG LLC
AND JOHN MAGNESS**

CERTIFICATE OF CONFERENCE

On February 19, 2025, counsel for Plaintiffs conferred with counsel for Defendants. Counsel for Defendants Tyrrell L. Garth and Phillip H. Clayton stated that they are unopposed to the relief requested herein. Counsel for Defendants Laurie Cooper, Brian Brewer, Starrex Title Florida, LLC, MarketStreet Capital Partners, LLC, and MarketStreet Capital Partners AR, LLC stated that they are unopposed to the relief requested herein.

By: /s/ Philip D. Racusin

PHILIP D. RACUSIN

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2025, a copy of the foregoing document was served on all counsel of record via the Court's ECF system.

/s/ Philip D. Racusin

Philip D. Racusin